

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROGER PATTERSON LUND,

Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING DEFENDANT’S
PRO SE MOTION FOR EARLY
TERMINATION OF PROBATION

Case No. 2:02-CR-598 TS

This matter is before the Court on Defendant Roger Patterson Lund’s “*Pro Se* Motion for Early Termination of Probation Release,” filed March 21, 2005. The government has not filed a response. Having considered the file, the circumstances presented by this case, and being otherwise fully informed, the Court will grant Defendant’s Motion, as set forth below.

BACKGROUND

On November 12, 2002, Defendant pleaded guilty to Conspiracy to Commit Securities, Mail and Wire Fraud. Defendant was sentenced on March 20, 2003, to 36 months probation and ordered to pay \$450,000 in restitution. Judgment was entered on March 24, 2003.

DISCUSSION

18 U.S.C. §§ 3564(c) permits the Court to terminate probation prior to completion of the entire term of probation, if the Court is satisfied that such action is 1) warranted by the conduct of an offender and 2) is in the interest of justice. In making this determination, the Court is directed to consider the factors set forth in 18 U.S.C. § 3553(a), to the extent they are applicable.

The Court has considered these factors, has reviewed the docket and case file, and has consulted with Defendant's probation supervising officer. It appears that Defendant has paid his restitution and special assessment fee in full. It also appears that Defendant has been fully compliant with his other terms of probation. This supervision history has resulted in a favorable recommendation from Defendant's probation officer.

Therefore, the Court finds that early termination of Defendant's term of probation is both warranted by the conduct of the offender and in the interest of justice.

CONCLUSION

Based upon the above, it is hereby


ORDERED that Defendant's *Pro Se* Motion for Early Termination of Probation is GRANTED; it is further

ORDERED that Defendant's term of probation shall be terminated effective immediately, and this case shall be closed.

SO ORDERED.

DATED this 23rd day of May, 2005.

BY THE COURT:



TED STEWART
United States District Judge